REMARKS

Pending Claims

Assuming entry of this amendment, claims 1-6 and 9-18 are still pending. Claims 1, 12, 15 and 18 are independent.

Claim Rejections - 35 USC § 103

Under different points of the Office action, the Examiner rejected all of the claims, that is, claims 1-18, under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,347,306 (Swart) alone.

All of the independent claims (1, 12, 15 and 18) have been amended to recite certain features that are not only lacking in Swart, but that Swart also explicitly teaches away from.

One such addition is the inclusion of the limitation that the "the central system is an intermediary system between the sender on the one hand and the agency and client on the other hand and exposes different interfaces to the sender, agency and client."

On Col. 2, lines 7-22, Swart explains why this is the opposite arrangement to what he discloses:

> The above payroll systems are cumbersome and problematic. They require the use of a "middleman" payroll service to either send or calculate and send the employee's net pay data to the bank, which increases costs to the employer. These costs are ultimately passed on to the employees and public. Such systems also take significant amounts of time to acquire, transfer, translate and process all of the data required to determine and distribute net pay to the employee; and employees are therefore forced to wait one or two weeks before even receiving their paychecks.
>
> Another disadvantage of the prior art payroll systems is the use of centralized data processing for calculation of net pay, such as used by ADP. While centralized processing can be beneficial for security reasons in that data is contained within one application, which is typically not the user's location, it is inflexible and time-consuming.

Swart is thus concerned with speed: enabling employees to be paid as quickly as possible, indeed, as Swart explains in Col. 2, lines 32, 37 (emphasis added):

> providing payroll processing ... occurs in *real-time*, immediately upon completion of the employee's shift or work segment. With the present

invention, *the third party outside payroll service model is eliminated* which provides numerous benefits to the company, employees and to the bank.

The applicants have therefore developed a system that is the opposite of what *Swart* proposes, although one that potentially sacrifices *Swart*'s speed to enable greater accuracy and control by all involved.

To the extent that *Swart* even allows for four separate entities (sender, agency, client and central system, which feature is now recited in the claims) such as the applicants' invention does, there is no teaching in *Swart* of "allowing access by the agency and the client to respective portions of the extracted report data according to rules specific to each party and allowing review, *modification and/or annotation* of the report data by the agency and client according to each party's respective specific rules."

Allowing such review and modification and/or annotation, for example, by a boss at a client site, or by a supervisor at an employment agency, makes it possible for reports to be much more accurate and complete since anomalies and discrepancies *other than those related to pay per hour or total hours can be noted. In contrast, in Swart:*

> Once the payroll processing system calculates net work segment pay, it is *immediately* transmitted to banking system 250. Banking system 250 retrieves net work segment pay 252 from the payroll processing system 230 through the network once the net work segment pay has been calculated. Once the banking system 250 retrieves an employee's net work segment pay, the bank can then issue a check or, preferably, deposits the net pay directly into the employee's bank account 254. (Col. 7, lines 32-40, emphasis added)

> Finally, the banking computer system is operative to receive data indicative of the net work segment pay upon the net work segment pay calculation to provide the employee with *immediate* access to the calculated net work segment pay, preferably via direct deposit to the employee's bank account. (Col. 2, line 64, to page 3, line 3, emphasis added)

There is no indication in *Swart* that any other party would able to review, modify or annotate submitted data before such direct deposit. Modification will occur –

automatically – only if the submitted number of hours worked falls outside some acceptable, pre-determined range or there is some change of policy "upon the occurrence of a predetermined event" (Col 9, line 67, to col. 10, line 1). Further:

> The time and attendance software object comprises time and attendance logic operative to *automatically* modify the shift completion information under predetermined conditions, and the human resource software object comprises human resource logic operative to *automatically* modify the pay amount information under predetermined conditions. (Col. 3, lines 18-24, emphasis added)

In *Swart*, the operation of the employee data computer system 100 and the T&A computer system 200 appears to assume that the employee has access to a computer; otherwise, it is unclear how the system could "collect[ ] and store[ ] employee time and attendance information in database 210, *in real-time*" or how it would sense the "shift completion information [including] the event by which the employee informs the T&A system that he has completed a shift or work segment (e.g. upon log-out of a computer.)" (Col. 5, lines 33-36, 44-45, and 58-63, emphasis added).

The invention is not so limited, which means that users of the applicants' invention are not so limited; indeed, as explained in many places in the specification, the applicants' invention may be used even where there is no such access to a computer. See, for example, paragraph [0027]:

> In the cases where the form is paper, the transmission device 120 is preferably a conventional facsimile ("fax") machine. There are several advantages to using a fax machine. First, whereas not all workplaces have convenient Internet connections, almost all have at least one fax machine. Second, almost every sender in the modern work environment will be familiar with the use and operation of a fax machine. Third, the channel 300 used by a fax machine is usually the public telephone network, which allows not only for a dedicated, point-to-point connection with the center 400, but also is generally more reliable than a non-dedicated network such as the Internet. Fourth, all modern fax machines provide an easily understood, immediate confirmation of successful transmission or of failure. Fifth, sending fax machines also usually transmit identifying information such as the telephone number from which they are transmitting. This makes it possible for recipients, such as the center 400, to identify the source of a transmission.

Swart's goal of enabling real-time payroll processing is highly specialized, whereas the applicants' invention is useful generally. *Swart's* specialization is yet another reason why the applicants' invention is not obvious given *Swart's* teaching: Claims 9-11, for example, refer to the feature of the invention whereby a user can enter information to be reported on a physical form, whose data is nonetheless automatically extracted. This is primarily the embodiment in which reports are faxed to the central system. None such feature is even mentioned in *Swart*; indeed, this too is a teaching opposite to *Swart's*, since requiring a user to submit physical forms at the beginning and end of a work shift, for example, would be highly inefficient and cumbersome.

CONCLUSION

The applicants' invention as claimed therefore has a configuration that *Swart* explicitly teaches away from, yet provides advantages that *Swart's* system does not. The distinguishing features that make this possible are included in all the independent claims and are accordingly inherited by the remaining, dependent claims. Consequently, the applicants respectfully submit that the amended claims should be allowable over the cited art of record, in particular, *Swart*.

Date: 12 September 2003

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